

## REMARKS

In the final Office Action of May 17, 2007, the Examiner maintained the rejection of claims 1-39. In response, Applicants amend claims 1, 5, 10, 14, 19, 20, 25, 30, 35, and 39 to better distinguish embodiments of the present invention. No new matter is added by way of these amendments. Based on the above amendments and following remarks, Applicants respectfully request reconsideration of the Application.

### Rejection Under 35 U.S.C. §103

In paragraph 2 of the Office Action, the Examiner rejected claims 1-39 under 35 U.S.C. §103(a) as being unpatentable over Cramer et al. (USPN 6,920,579, hereinafter *Cramer*) in view of Washington (USPN 5,860,116, hereinafter *Washington*). Applicants traverse.

Amended claim 1 recites in part “determining an optimal time to suspend file operations of the file service; and transferring the at least one memory page using the identification from the first storage filer to a second storage filer during the optimal time.” Accordingly, the filer determines an optimal time to temporarily stop the file operations of a CIFS service and stops the file operation at the optimal time according to exemplary embodiments. The filer may then transfer the memory page. (see [00117] and [00118]).

In contrast, the cited references do not determine an optimal time to suspend file operations in order to transfer at least one memory page. Specifically, *Cramer* recites “letting the first file server complete existing file service requests addressed to the first file server.” (see *Abstract*). While *Cramer* provides a countdown to a “graceful shutdown,” this is nothing more than a timer that requires that any file service requests being processed during the count down complete and no new file

service requests be processed. [Col. 7, lines 16-22]. This in no way teaches determining an optimal time to suspend file operations of the file service and providing the transfer of at least one memory page during the optimal time.

*Washington* also does not teach the limitation of determining an optimal time to suspend file operations in order to transfer memory pages. Instead, *Washington* performs memory page transfers when remote access to a memory location is greater than local access if the memory page is a read only memory page. [Col. 4, lines 1-6 and col. 5, lines 10-14]. In fact, the only discussion of time in *Washington* is with regards to a time period used to create a histogram of a number of remote accesses. [Col. 5, lines 35-41]. As *Washington* does not contemplate the determination of an optimal time to suspend file operations of the file service, *Washington* therefore cannot teach the transfer of memory pages during the optimal time.

The combination of *Cramer* and *Washington* does not provide every limitation of claim 1. Therefore, claim 1 is not obvious over the cited references. Furthermore, claims 2-9 depend from claim 1, and are therefore not obvious for at least the same reasons as claim 1.

Independent claims 10, 19, 20, 30, and 39 contain a similar limitation of determining an optimal time to suspend file operations of the file service, and transferring at least one memory page during the optimal time. As such, these claims are not obvious over the cited references for at least the same reasons as those of claim 1. Claims 11-18, 21-29, and 31-38 depend from independent claims 10, 20, and 30. For at least the same reasons as those of their independent base claims, claims 11-18, 21-29, and 31-38 are not obvious in view of the cited references.

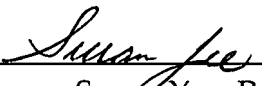
### Conclusion

Based on the foregoing remarks, Applicants believe the rejections to the claims have been overcome, and that the present Application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

Jonathan S. Goldick et al.

Date: July 13, 2007

By:   
Susan Yee, Reg. No. 41,388  
Carr & Ferrell LLP  
2200 Geng Road  
Palo Alto, CA 94303  
Phone: (650) 812-3400  
Fax: (650) 812-3444